



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,611	11/20/2003	Kang Soo Seo	1740-000064/US	7147
30593	7590	05/12/2009		
HARNESS, DICKEY & PIERCE, P.L.C. P.O. BOX 8910 RESTON, VA 20195			EXAMINER DUNN, MISHAWN N	
			ART UNIT	PAPER NUMBER
			2621	
			MAIL DATE	DELIVERY MODE
			05/12/2009	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/716,611	<b>Applicant(s)</b> SEO ET AL.	
	<b>Examiner</b> MISHAWN DUNN	<b>Art Unit</b> 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 24 February 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1, 13, 15-20, 24, 25, 29, 30, 34, 35, 39, 40, 43, 46, 49 and 52-57 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 5, 13, 15-20, 24, 25, 29, 30, 34, 35, 39, 40, 43, 46, 49 and 52 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11/20/2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1, 13, 15-20, 24, 25, 29, 30, 34, 35, 39, 40, 43, 46, 49, and 52-57 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 13, 15, 16, and 53 recite the limitation "physical computer readable medium." There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 13, 15-20, 24, 25, 29, 30, 34, 35, 39, 40, 43, 46, 49, and 52-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kashiwagi et al. (US Pub.No. 2004/0179820) in view of Murase et al. (US Pat. No. 6,285,826) in further view of Kato (US Pub. No. 2005/0025461).

6. Consider claim 1. Kashiwagi et al. discloses a recording medium (fig. 2) storing an executable data structure for managing reproduction of still images recorded on the computer readable medium by a reproducing apparatus (para. 0097), comprising: a data area (fig. 4) storing a first and second clip stream files (video packets V1, V2, fig. 17), the second clip stream file (V1, V2) including at least audio data to be reproduced with the still images synchronously.

Kashiwagi et al. does not teach the first clip stream file including at least video data for the still images and not including audio data.

However, Murase et al. teaches the first clip stream file including at least video data for the still images and not including audio data (col. 27, lines 56-60).

Therefore, it would have been obvious to one with ordinary skill in the art, at the time the invention was made to use, to include video data for the still images and not including audio data in the first clip stream file, in order to allow the user to enjoy the video content without further manipulation.

Neither, Kashiwagi et al., nor Murase et al., teach a management area storing at least one playlist file, the playlist file including at least one playitem and at least one sub-playitem, the play item indicating in-point and out-point of the clip stream file to reproduce the still images, the sub-playitem indicating in-point and out-point of the second clip stream file to reproduce audio data and including first sync information indicating the playitem associated with the sub-playitem such that the still images and the audio data are played in synchronization with one another.

However, Kato teaches a management area storing at least one playlist file (fig. 14), the playlist file including at least one playitem and at least one sub-playitem, the play item indicating in-point and out-point of the clip stream file to reproduce the still images, the sub-playitem indicating in-point and out-point of the second clip stream file to reproduce audio data (fig. 7) and including first sync information indicating the playitem associated with the sub-playitem such that the still images and the audio data are played in synchronization with one another (paras. 0301-0308)

Therefore, it would have been obvious to one with ordinary skill in the art, at the time the invention was made to use, to store at least one playlist file, the playlist file including at least one playitem and at least one sub-playitem, the play item indicating in-point and out-point of the clip stream file to reproduce the still images, the sub-playitem indicating in-point and out-point of the second clip stream file to reproduce audio data and including first sync information indicating the playitem associated with the sub-playitem such that the still images and the audio data are played in synchronization with one another, in order to efficiently reproduce continuously.

7. Consider claim 13. Kashiwagi teaches the physical computer readable medium of claim 1, wherein the playitem (CELL#1,) includes duration information indicating whether to display the still images for one of a finite and an infinite period of time (paras. 0142 and 0224; fig. 20; by serving as access point it automatically sets the playback (display) duration. Setting duration is inherent characteristic of Kashiwagi in that any image reproduced takes up a preset interval time (display life time) on the screen regardless of finite or infinite).

8. Consider claim 15. Kashiwagi teaches the physical computer readable medium of claim 1, wherein the playlist file (VOB#1, Fig. 16) includes navigations information for sequentially reproducing a number of the still images sequence (see start time of video material VOB\_VTS, end time of video material VOB\_VEND, fig. 28; para. 0351).

9. Consider claim 16. Kashiwagi teaches the physical computer readable medium of claim 1, wherein the playlist file (VOB#1, fig. 16) includes navigation information for selectively reproducing the still images (fig. 24, para. 0346) (anyone of the VOBs, VOB-B – VOB-D, can be selected to be reproduced and each single still image in the VOBs get reproduces accordingly).

10. Consider claim 19. Kashiwagi teaches an apparatus for recording a data structure for managing reproduction of at least one still image on a recording medium, comprising: a pickup (recorder 1200, fig. 2) configured to record data on the recording medium (para. 0107); and a controller (encode system controller 200) configured to control the pick up (para. 0107).

Kashiwagi is silent on controlling a driver to record a first and second clip stream files, at least one playlist, at least one playitem, and at least one sub-playitem.

However it is inherent characteristics of the device of Kashiwagi to incorporate a controlling a driver to record a first and second clip stream files, at least one playlist, at least one playitem, and at least one sub-playitem.

11. Consider claim 20, Kashiwagi teaches an apparatus for reproducing a data structure for managing reproduction of image on a recording medium, comprising: a pickup (reproducing media driving unit 2004, fig. 3) configured to reproduce data

recorded on the recording medium (para. 0135); a controller (reproducing controller 2002, fig. 3) configured to control pickup to reproduce (para. 0136).

Kashiwagi is silent on controlling a driver to reproduce a first and second clip stream files, at least one playlist, at least one playitem, and at least one sub-playitem.

However it is inherent characteristics of the device of Kashiwagi to incorporate a controlling a driver to reproduce a first and second clip stream files, at least one playlist, at least one playitem, and at least one sub-playitem.

12. Consider claim 53. Kato et al. teaches the computer readable medium of claim 1, wherein the sub-playitem further includes second sync information indicating a sync time in the playitem, and the sub-playitem starts its presentation at the sync time (paras. 0301-0308; claim 34).

13. Claims 17, 18, and 24, 25, 29, 30, 34, 35, 39, 40, 43, 46, 49, 52, and 54-57 are rejected using similar reasoning as the corresponding claims above.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MISHAWN DUNN whose telephone number is (571)272-7635. The examiner can normally be reached on Monday - Friday 7:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on (571)272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information Consider the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Application/Control Number:  
10/716,611  
Art Unit: 2621

Page 8

/MISHAWN DUNN/  
Examiner, Art Unit 2621  
May 5, 2009

/Thai Tran/  
Supervisory Patent Examiner, Art Unit 2621